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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.544 OF 2025

Manohar Nagnath Swami
Age: 54 years, Occu.: Pujari,
R/o. Walki (Bk.). Hadgaon,
Dist. Nanded

... Applicant

Versus

The State of Maharashtra
for Akhada Balapur Police Station,
Tq. Kalamnuri, Dist. Hingoli.

... Respondent

.....
Mr. Amol S. Gandhi, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent - State

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 APRIL 2025

PRONOUNCED ON : 22 APRIL 2025

PER COURT :-

1. This application is filed for grant of regular bail on account of arrest of the applicant in Crime No.0212 of 2019, registered with Akhada Balapur Police Station, District Hingoli for offences punishable under Sections 363, 386, 364-A, 120-B of the Indian Penal Code (IPC).

2. Learned counsel for the applicant pointed out that that, after registration of the FIR, applicant was arrested. That, he applied for regular bail. That, after hearing the both sides, he

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was released on bail by the learned Additional Sessions Judge, Hingoli by order dated 05.12.2029 passed below Exhibit 1 in Criminal Bail Application No.339 of 2019. However, because he did not attend the court dates, a non-bailable warrant was issued, and in pursuance thereof, the applicant was taken into custody on 05.02.2025. That, he is behind the bars since more than two months. He further pointed out that, there is a list of 44 witnesses proposed to be examined by the prosecution. That, barely 16 to 17 witnesses are examined till the date, and trial is proceeding at snail's pace. That, more than 20 witnesses are yet to be examined, and as applicant is ready to abide all and any conditions imposed by the Court, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that liberty, once granted, has been misused by the applicant, and there is further possibility of the liberty being misused again, attributing to the delay in trial. For such reasons, bail is opposed.

4. Heard. Perused the papers. It seems that, crime bearing No.0212 of 2019 was registered on 26.06.2019, and applicant has been arrested on 22.07.2019. The applicant had applied for regular bail, and learned trial Court, after hearing both the

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sides, by order dated 05.12.2019 seems to have granted bail. Learned counsel for the applicant has invited the attention of this Court to paragraph 8 of the said order, wherein learned trial Court has observed that applicant had played no role while kidnapping the victim Sk. Kadar. It appears that, after going through the police papers, the learned trial court has observed that there is no role attributed to the present applicant, nor is there any concrete material suggesting that the applicant was a party to the alleged conspiracy. The applicant was granted bail, but for not abiding by the conditions, he has been taken into custody. Charge-sheet is filed on 10.10.2019. List of 44 proposed witnesses has been tendered by the prosecution, out of which, only 16 to 17 witnesses are examined till the date. The case is of 2019. Therefore, even the trial is only midway. The cause list placed on record shows that prosecution has issued summons for other witnesses.

5. Taking into consideration the pace with which the trial is going on, *prima facie* it would require much more time. As the applicant has undertaken that he would not commit any further default and is ready to abide by all conditions imposed by this Court, the relief prayed for deserves to be granted. Hence, the following order :

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ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0212 of 2019, registered with Akhada Balapur Police Station, District Hingoli on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of the concerned police station, without prior permission of the Court, till conclusion of trial.
- [c] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 10:00 a.m. to 02:00 p.m., till conclusion of trial.
- (d) The applicant shall regularly attend each and every effective date before the trial court.

ABHAY S. WAGHWASE,
JUDGE

S P Rane